

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

MARSHALL RICHMOND)	CASE NO. 1:22-cv-001590
)	
Plaintiff,)	
)	
v.)	
)	
HYSTER-YALE MATERIALS)	
HANDLING, INC. and HYSTER-YALE)	
GROUP, INC.)	
)	
Defendants.)	

NOTICE OF REMOVAL

Defendants, Hyster-Yale Materials Handling, Inc. and Hyster-Yale Group, Inc. (collectively “Defendants”), remove this matter to this Court pursuant to 28 U.S.C. §§1332, 1441 and 1446, and in support thereof, states as follows:

1. On or about July 28, 2022, Plaintiff Marshall Richmond filed the following lawsuit in the Marion County Superior Court: *Marshall Richmond v. Hyster-Yale Materials Handling, Inc. and Hyster-Yale Group, Inc.*, Cause No. 49D13-2207-CT-025393 (“State Court Action”).

2. Defendants were served with a Summons and Complaint for the State Court Action on August 2, 2022 via certified mail. Defendants have attached within Exhibit A to this Notice of Removal a true and correct copy the Summons and Complaint and copies of all pleadings that have been filed in connection with this suit. Defendants have not served an answer in the State Court Action.

3. This Notice of Removal is filed within 30 days of receipt of the initial pleading by Defendants, and within one year of the commencement of this action, as mandated by 28 U.S.C.

§ 1446(b). *See Murphy Brothers, Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344 (1999). Accordingly, removal of this action is timely.

4. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332, in that there is complete diversity of citizenship and the damages sought exceed the sum of \$75,000 as demonstrated by the following:

a. Plaintiff Marshall Richmond was, at the time of the incident giving rise to this litigation and is now, domiciled in Marion County, Indiana. (State Court Action, p. 1).

b. Defendant Hyster-Yale Materials Handling, Inc. was, at the time of the commencement of this action and at the present time, a corporation organized and duly incorporated under the laws of the State of Delaware with its principal place of business located in the State of Ohio, and by virtue of being incorporated in and having its principal place of business located in said states, Hyster-Yale Materials Handling, Inc. was, at the time of the commencement of this action and is now, domiciled in the States of Delaware and Ohio, and was not then and is not now domiciled in Indiana.

c. Defendant Hyster-Yale Group, Inc. was, at the time of the commencement of this action and at the present time, a corporation organized and duly incorporated under the laws of the State of Delaware with its principal place of business located in the State of Ohio, and by virtue of being incorporated in and having its principal place of business located in said states, Hyster-Yale Group, Inc. was, at the time of the commencement of this action and is now, domiciled in the States of Delaware and Ohio, and was not then and is not now domiciled in Indiana.

d. Plaintiff is claiming damages in excess of \$75,000, exclusive of interest and costs. Plaintiff is claiming that he suffered “severe injuries when he was attempting to free a forklift from certain racks” that caused him to sustain a severe injury that resulted in a surgery to his spine. (Complaint, ¶¶10, 13). Plaintiff further alleges that he has “expended large sums of money for medicine and medical attention and may be required to expend additional sums for the same purposes in the future.” (*Id.* at ¶16). He further claims that he has sustained “severe pain and suffering” that will prevent him from attending his usual duties and occupation. (*Id.* at ¶15). Furthermore, based on the limited damages information that has been provided to the undersigned to-date, it is known that Plaintiff is claiming approximately \$61,000 in past medical expenses and unspecified future medical expenses as a result of the alleged injuries that he sustained in the above-referenced forklift incident. The totality of Plaintiff’s claimed past and future medical expenses, combined with anticipated claims for pain and suffering and mental anxiety and anguish, satisfies the jurisdictional amount in dispute requirements for removal to this Court.

e. To further confirm the nature and extent of Plaintiff’s claimed injuries, Defendants spoke to Plaintiff’s counsel who confirmed that Plaintiff is seeking in excess of \$75,000 in damages.

5. This lawsuit is, therefore, a civil action over which this Court has original jurisdiction under 28 U.S.C. §1332, and is one which may be removed to this Court under 28 U.S.C. §§ 1441 and 1446. Further, removal to this judicial district and division is proper under 28 U.S.C. § 1441(a), as this district and division embrace Marion County, Indiana where this lawsuit is pending.

6. This Notice is accompanied by copies of all process, pleadings, and orders served upon or by Defendants in this lawsuit. (See Exhibit A hereto.)

7. Promptly after it is filed with this Court, Defendants will serve this Notice on Plaintiff and file a copy of this Notice with the Clerk of the Marion County Superior Court.

WHEREFORE, this action is properly removed from the Marion County Superior Court, Indiana, to this Court for all further proceedings.

Respectfully submitted,

FROST BROWN TODD LLC

By: /s/ Blake N. Shelby

Randall R. Riggs

Blake N. Shelby

*Attorneys for Defendants Hyster-Yale
Materials Handling, Inc. and Hyster-Yale
Group, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of August, 2022 a copy of the foregoing document was filed electronically. Service of this filing will be made on all registered counsel by electronic mail on the following

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